

Notice of Allowability

Application No.

09/742,575

Examiner

Jacques Veillard

Applicant(s)

JUDD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Applicant's election filed on 1/18/2005.
2. ☒ The allowed claim(s) is/are 59 and 61-63.
3. ☒ The drawings filed on 04 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/4/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


CHARLES RONES
PRIMARY EXAMINER

DETAILED ACTION

1. This action is in response to the Applicant's communication filed on 1/18/2005.
2. Claims 1-58, 60, 64-70 have been canceled, and claim 59, 62 amended.
3. Claims 59, 61-63 are pending and are presented for examination.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Timothy M. Morella (Reg. No. 45,277) the undersigned for applicant(s) on March 4, 2005.

The application has been amended as follows:

In the claim:

59. (Currently amended) A medical Image management system comprising:

a transfer engine for receiving medical Image data from an Image data source;

a converter engine for converting medical image data to a browser compatible Image format connected to receive medical image data from the transfer engine, wherein the converter engine comprises:

a decoder engine for extracting Image pixel data from Image data;

a physiologic knowledge engine for reducing the Image pixel data without loss of diagnostic data connected to receive the extracted pixel data; and
an encoder engine for converting Image pixel data to a browser compatible format connected to receive Image pixel data, whereby image data ~~may be~~ is converted to the browser compatible format without loss of diagnostic data; and
a post engine for posting the browser compatible Image to a database connected to receive converted Image data.

Drawings

5. The drawings filed on May 4, 2001 are approved as to the merits by the examiner.

Allowable Subject Matter

6. Claims 59, and 61-63 are allowed over the prior art of record.
7. The following is an examiner's statement of reasons for allowance: Applicant's particular disclosure of a medical image management system in a medical environment comprising of two layers engine such as a transfer engine for receiving medical image data from an image data source and a converter engine for converting medical data to a browser from the transfer engine, wherein the converter engine comprises: a decoder engine for extracting image pixel from image data; a physiologic knowledge engine for reducing the image pixel data without loss of diagnostic data connected to receive the extracted pixel data; and an encoder engine for converting image pixel data to a browser compatible format connected to receive image pixel data, whereby image data is converted to the browser compatible format without loss of

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diagnostic data as embodied in independent claim 59, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The dependent claims 61-63, being further limiting to the independent claim definite and enabled by the specification are also allowed.

The closest prior art Rothschild et al. (U. S. Pat. No. 6,678,703) disclose a medical image management system and method that uses a central data management system to centrally manage the storage and transmission of electronic records containing medical images between remotely located facilities. Rothschild et al. did not implicitly disclose a medical image management system comprising a converter engine, wherein the converter engine comprises: a decoder engine for extracting image pixel from image data; a physiologic knowledge engine for reducing the image pixel data without loss of diagnostic data connected to receive the extracted pixel data; and an encoder engine for converting image pixel data to a browser compatible format connected to receive image pixel data, whereby image data is converted to the browser compatible format without loss of diagnostic data. The closest prior art fail to anticipate or render the Applicant's limitations above obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 Am to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272- 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CHARLES RONES
PRIMARY EXAMINER**



**Jacques Veillard
Patent Examiner TC 2100**

March 4, 2005